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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,056	12/11/2003	Kirk Andrew Gottlieb	G-1	7836
7590 01/26/2005				
Kirk A. Gottlieb 606 View Ridge Drive Pacifica, CA 94044			EXAMINER NORMAN, MARC E	
			ART UNIT 3744	PAPER NUMBER
DATE MAILED: 01/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,056

Applicant(s)

GOTTLIEB, KIRK ANDREW

Examiner

Marc E. Norman

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner: Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Heitman et al. (U.S. Patent 5,449,112).

As per claim 1, Heitman et al. discloses an automated multiple zone air flow system comprising automated registers 34, temperature sensors 24 in each zone, base station 84 in communication with the registers (via link 80) and coupled to air flow source 76, the base station receiving status data from the registers (column 5, lines 43-46) and controlling the air source 76 (see Figure 4; column 4, line 58 – column 5, line 54).

As per claim 2, Heitman et al. discloses the communication being wireless (via ultrasonic transceiver 82).

As per claims 3 and 4, Heitman et al. discloses the control of being based on the register being open/closed active/inactive (column 5, lines 31-36).

As per claim 6, Heitman et al. discloses entering target temperature parameters (via controllers 24).

Art Unit: 3744

As per claim 7, Heitman discloses first and second states (i.e., open or closed), the opened state inherently utilizing more energy since the register is being used to condition the zone space.

As per claim 9, Heitman et al. discloses a control network (illustrated in Figure 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 8, and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heitman et al.

As per claim 5, Heitman et al. teaches keeping track of whether the dampers 34 are open or closed, but does not specifically teach using a motion detector to determine the state of the register. However, motion detectors are a well-known means or determining the state of a movable gateway (such as for doorways of burglar alarm systems). Official notice is taken that motion detectors are simply a matter of design choice as a means for monitoring the status of the damper that would have been obvious to one of ordinary skill in the art.

As per claim 8, while Heitman et al. does not disclose a physical link, official notice is taken that this hard-wired control links are old and well known in the art and simply constitute a matter of design choice relative to the wireless link for the purpose of connecting the various control components.

Art Unit: 3744

As per claims 10 and 11, Heitman et al. discloses specifying target temperature parameters (via controller 24), enabling air flow source 76 providing air to each of the zones until it reaches the target temperature (at which point damper 34 closes), whereby the air is redirected to the other active zones. Heitman does not specifically teach stopping the blower once the desired temperature is reached in all zones. However, stopping a heating/cooling system once heating/cooling is no longer required is common and well known in the art, and would have been obvious to one of ordinary skill in the art at the time the invention was made to apply to the system of Heitman et al. for the purpose of saving energy costs by not running the system when no heating/cooling is required.

As per claim 12, Heitman et al. discloses a plurality of automated registers 34, specifying different target temperatures for each of the zones (via controllers 24), and base station 84 controlling blower 12. Again, Heitman does not specifically teach stopping the blower once the desired temperature is reached in all zones. However, stopping a heating/cooling system once heating/cooling is no longer required is common and well known in the art, and would have been obvious to one of ordinary skill in the art at the time the invention was made to apply to the system of Heitman et al. for the purpose of saving energy costs by not running the system when no heating/cooling is required.

As per claims 13-20, see discussions of similar claims 2-9, above.

Conclusion

Art Unit: 3744

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 571-272-4812. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on 571-272-4808. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN



MARC NORMAN
PRIMARY EXAMINER